

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

AND

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 982 OF 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
12.04.2004 in W.P. NO :5802 OF 2004 on the file of the High Court.)

Between:

G. Amanullah, S/o. Ismail Saheb,
Working as Secondary Grade Teacher, YMK (Aided) High School,
Adoni, Kurnool District.

..... APPELLANT

AND

- 1 The District Educational Officer, Kurnool, Kurnool District.
- 2 The Deputy Educational Officer, Adoni, Kurnool District.
- 3 The Regional Joint Director of School Education, Kadapa, Kadapa District.
- 4 The Correspondent of YMK High School (Aided), Adoni, Kurnool District.
- 5 B.P. Erra Lingappa, S/o. not known to the appellant,
working as Secondary Grade Teacher, YMK (Aided) High School,
Adoni, Kurnool.

.....RESPONDENTS

Counsel for the Appellant: MR. K.G.KRISHNA MURTHY

Counsel for Respondents 1 to 3: GP FOR EDUCATION

Counsel for Respondent No.4: None appeared

Counsel for Respondent No.5: MR. CH.JAGANNADHA RAO

The Court made the following ORDER:

(Per G.Bikshapathy, J)

The writ appeal is filed against the order of the learned Single Judge in Writ Petition No.5802 of 2004, dated 12.04.2004.

2. The learned Counsel for the appellant submits that when he is a party (fourth respondent) before the learned Single Judge, no notice was issued and he was never heard and the order passed by the learned Single Judge is alleged to be affecting his service conditions and promotions. Under these circumstances, the learned Counsel submits that the matter is to be heard by the learned Single Judge after giving due notice.

3. We have heard the learned Government Pleader for School Education and also the learned Counsel for the appellant.

4. In the instant case, admittedly, the appellant is the fifth respondent in the writ petition and he has not been heard and no notice has been served on him. Whether the order affect the interest of the fifth respondent or not is not the question, but when he is made a party he is entitled for a proper notice and the learned Single Judge ought to have disposed of the writ petition after hearing the fifth respondent. Under these circumstances, we find that the order of the learned Single Judge is not sustainable.

5. Accordingly, the appeal is allowed. The order passed by the learned Judge in Writ Petition No.5802 of 2004 dated 12.04.2004 is set aside. The matter is remitted back to the learned Single Judge for passing appropriate orders after hearing the parties concerned. Inasmuch as Mr.K.G.Krishna Murthy, Advocate, is appearing for the fifth respondent in the writ petition, no separate notice need be issued to the fifth respondent. No costs.

(G.BIKSHAPATHY, J)

Dated: 28th June, 2004.

(B.SESHASAYANA REDDY, J)

JOINT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

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Copies to

- 1.The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).
- 2.The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind perusal).
- 3.The District Educational Officer, Kurnool, Kurnool district.
- 4.The Deputy Educational Officer, Adoni, Kurnool district.
- 5.The Regional Joint Director of School Education, Kadapa, Kadapa district.
- 6.The Correspondent, Y.M.K. High School (Aided), Adoni, Kurnool district.

7.Two CCs to the learned Government Pleader for School Education,
High Court Buildings, Hyderabad (O.U.T).

8.Two CD copies.